

REMARKS

In the Office action mailed September 8, 2005, the examiner rejects claims 1-35. This reply amends claims 1, 7, 20, and 27 and adds claim 36. As such, claims 1-36 are pending and under consideration.

I. Response to § 103 rejections

In the first lines of section 8 of the Office action, the examiner explains that claims 1-35 are unpatentable over U.S. Patent No. 6,615,240 ("Sullivan") in view of U.S. Patent No. 6,450,500 ("Miller"). However, the body of the rejections presents a rejection based on Sullivan in view of U.S. Patent No. 6,449,601 ("Friedland"). To expedite prosecution, this reply assumes that the examiner intended to reject the claims under Sullivan in view of Friedland. Moreover, Miller does not appear to have been cited on any form PTO-892. For the convenience of the examiner, an information disclosure statement is submitted herewith citing Miller on the enclosed form PTO-1449.

The examiner rejects claims 1-35 under 35 U.S.C. § 103(a) as unpatentable over Sullivan in view of Friedland. These rejections are respectfully traversed for the following reasons.

A. Failure to teach all limitations

Claim 1 recites displaying a point value "sequentially changing independently from one or more other client machines". Neither Sullivan or Friedland, taken individually or in combination, teach or suggest this feature.

Regarding Sullivan, on page 5, lines 8-9, of the Office action, the examiner acknowledges that Sullivan does not teach or suggest this feature. However, the examiner then asserts that Friedland discloses point value features and highlights certain portions of Friedland.

On pages 2 and 3 of the Office action, the examiner points out in Friedland part 726 of Figure 7 and column 13, lines 2-5 and 29-44. The examiner appears to assert that these portions of Friedland describe a point value display sequentially changing. These portions of Friedland relied upon by the examiner describe a pre-bid state. During this pre-bid state, no values change. Instead, all value displayed are fixed until an auction is started. Therefore, these portions of Friedland do not teach or suggest a point value that sequentially changes.

On page 5 of the Office action, the examiner points out column 7, lines 4-20 of Friedland. This portion describes an on-line auction for a lot. Specifically, the portion describes the various

states that a lot transitions between. These states include an "open-for-bidding" state, a "pass" state, a "last chance" state, and the other states shown in figure 2.

At any point in an auction, the item being auctioned has a single state, and all bidders must know of this state during the auction. Therefore, the party managing the auction provides all bidders with the same information. Column 7, lines 4-20, of Friedland describes the various states of an auction, and column 7, lines 34-36, teaches communicating the current state to all the bidders. As the system in Friedland communicates the same information to all bidders, the system does not display anything that changes "independently from one or more other client machines". Instead, all the client machines in Friedland receive the exact same information in unison.

Regarding claims 7, 14, 20, 27, and 32, Sullivan in view of Friedland does not render these claims unpatentable at least because these claims each has a feature similar to the features of claim 1 discussed above. Claims 2-6, 8-13, 15-19, 21-26, 28-31, and 33-35 are not unpatentable at least because each depends from an allowable base claim.

B. Failure to provide a motivation to combine

In attempting to articulate a motivation for modifying Sullivan in view of Friedland, the examiner makes the following statement: "because a point value system would convey the status of a client by indicating the ranking of a client". This statement does not constitute a proper motivation. The examiner fails to explain how combining an on-line auction system with a customer support system would indicate "the ranking of a client". There is no reason to believe that such an outcome results from combining a customer service system with an on-line auction system. Further, there is no reason to believe that one of ordinary skill would desire such an outcome.

C. Reliance on non-analogous art

Sullivan teaches a system for providing customer support to consumers. Friedland teaches a system for auctioning goods over the Internet. These systems serve two different goals and are unrelated. As such, there is no reason why one of ordinary skill would combine them.

The examiner asserts that these patents are analogous art because "they both involve client server system or the Internet". The applicant respectfully disagrees with the examiner. The mere fact that two systems involve the Internet or client servers does not make the systems analogous.

II. New claim 36

This reply adds claim 36. The prior art cited by the examiner does not render claim 36 unpatentable at least because the prior art does not teach or suggest all the limitations of claim 36.

III. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Feb 8, 2006

By:


Gene M. Garner II
Registration No. 34,172

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501